

Approved: \_\_\_\_\_ Mayor

Veto: \_\_\_\_\_

Override: \_\_\_\_\_

**RESOLUTION NO. Z-37-06**

*WHEREAS, EMILY DEVELOPMENT, LLC* applied to Community Zoning Appeals

Board 14 for the following:

EU-M to RU-1M(a)

SUBJECT PROPERTY: The NW  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  all in Section 14, Township 57 South, Range 38 East, less the north 25' and the west 35'.

LOCATION: The Southeast corner of S.W. 192 Avenue & S.W. 316 Street, Miami-Dade County, Florida, and

*WHEREAS,* a public hearing of Community Zoning Appeals Board 14 was advertised and held, as required by law, and all interested parties concerned in the matter were given an opportunity to be heard, and at which time the applicant proffered a Declaration of Restrictions, and

*WHEREAS,* upon due and proper consideration having been given to the matter it was the opinion of Community Zoning Appeals Board 14 that that the requested district boundary change to RU-1M(a) would not be compatible with the neighborhood and area concerned and would be in conflict with the principle and intent of the plan for the development of Miami-Dade County, Florida, and should be denied and said application was denied by Resolution No. CZAB14-17-06, and

*WHEREAS, EMILY DEVELOPMENT, LLC* appealed the decision of Community Zoning Appeals Board 14 to the Board of County Commissioners for the following:

EU-M to RU-1M(a)

SUBJECT PROPERTY: The NW  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  all in Section 14, Township 57 South, Range 38 East, less the north 25' and the west 35'.

LOCATION: The Southeast corner of S.W. 192 Avenue & S.W. 316 Street, Miami-Dade County, Florida, and

*WHEREAS*, a public hearing of the Board of County Commissioners was advertised and held, as required by the Zoning Procedure Ordinance, and all interested parties concerned in the matter were given an opportunity to be heard, and at which time the applicant proffered a Declaration of Restrictions which among other things provided:

1. That said Property shall be developed substantially in accordance with the plans previously submitted, prepared by Bellon Milanes Architects and Planners entitled, "Countryside Estates", dated stamped received the 16<sup>th</sup> day of February, 2006, said plans being on file with the Miami-Dade County Department of Planning and Zoning, and by reference made a part of this agreement.
2. That the site plan shall provide that SW 317<sup>th</sup> Terrace shall be extended to the east to connect with SW 19<sup>th</sup> Avenue.
3. That the Owner shall purchase Severable Use Rights (SURs) prior to final plat approval in order to develop the Property pursuant to the foregoing plans.

*WHEREAS*, this Board has been advised that the subject application has been reviewed for compliance with concurrency requirements for levels of services and, at this stage of the request, the same was found to comply with the requirements, and

*WHEREAS*, after reviewing the record and decision of the Metropolitan Dade County Zoning Appeals Board 14 and after having given an opportunity for interested parties to be heard, it was the opinion of the Board of County Commissioners, Miami-Dade County, Florida, that that the grounds and reasons alleged by the appellants specified in the appeal were sufficient to merit a reversal of the ruling made by the Zoning Appeals Board in Resolution No. CZAB14-17-06 and the appeal should be approved and the decision of Community Zoning Appeals Board 14 should be overruled, and

*WHEREAS*, upon due and proper consideration having been given to the matter it is the opinion of this Board that a district boundary change to RU-1 in lieu of the requested district boundary change to RU-1M(a) would be compatible with the neighborhood and

area concerned and would not be in conflict with the principle and intent of the plan for the development of Miami-Dade County, Florida, and should be approved, and that the proffered Declaration of Restrictions should be accepted, and

*WHEREAS*, a motion to grant the appeal and overrule the decision of Community Zoning Appeals Board 14, accept the proffered Declaration of Restrictions, and approve a district boundary to RU-1 in lieu of the requested district boundary change to RU-1(M)(a) was offered by Commissioner Barbara J. Jordan, seconded by Commissioner Audrey M. Edmonson, and upon a poll of the members present the vote was as follows:

|                    |        |                      |        |
|--------------------|--------|----------------------|--------|
| Bruno A. Barreiro  | aye    | Dennis C. Moss       | nay    |
| Jose "Pepe" Diaz   | aye    | Dorrian D. Rolle     | aye    |
| Audrey M. Edmonson | aye    | Natacha Seijas       | absent |
| Carlos A. Gimenez  | nay    | Katy Sorenson        | nay    |
| Sally A. Heyman    | absent | Rebecca Sosa         | absent |
| Barbara J. Jordan  | aye    | Sen. Javier D. Souto | aye    |

Chairperson Joe A. Martinez                      absent

*NOW THEREFORE BE IT RESOLVED* by the Board of County Commissioners, Miami-Dade County, Florida, that the appeal be and the same is hereby approved and the decision of Community Zoning Appeals Board 14 is overruled.

*BE IT FURTHER RESOLVED* that a district boundary change to RU-1 in lieu of the requested district boundary change to RU-1(M)(a) be and the same is hereby approved and said property is hereby zoned accordingly.

*BE IT FURTHER RESOLVED* that Resolution No. CZAB14-17-06 is hereby null and void.

*BE IT FURTHER RESOLVED* that, pursuant to Section 33-6 of the Code of Miami-Dade County, Florida, the County hereby accepts the proffered covenant and does exercise its option to enforce the proffered restrictions wherein the same are more restrictive than applicable zoning regulations.

The Director is hereby authorized to make the necessary changes and notations upon the maps and records of the Miami-Dade County Department of Planning and Zoning.

***THIS RESOLUTION HAS BEEN DULY PASSED AND ADOPTED*** this 10<sup>th</sup> day of October, 2006, and shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

No. 06-4-CZ14-4

ej

HARVEY RUVIN, Clerk  
Board of County Commissioners  
Miami-Dade County, Florida

By **KAY SULLIVAN**

Deputy Clerk

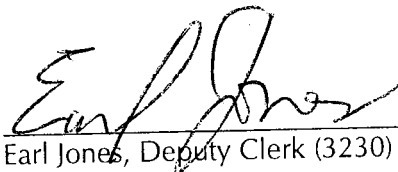
THIS RESOLUTION WAS TRANSMITTED TO THE CLERK OF THE BOARD OF COUNTY COMMISSIONERS ON THE 8<sup>TH</sup> DAY OF NOVEMBER, 2006.

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

I, Earl Jones, as Deputy Clerk for the Miami-Dade County Department of Planning and Zoning as designated by the Director of the Miami-Dade County Department of Planning and Zoning and Ex-Officio Secretary of the Board of County Commissioners of said County, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of Resolution No. Z-37-06 adopted by said Board of County Commissioners at its meeting held on the 12<sup>th</sup> day of November, 2006.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal on this the 8<sup>th</sup> day of November, 2006.



Earl Jones, Deputy Clerk (3230)  
Miami-Dade County Department of Planning and Zoning

SEAL





Department of Planning and Zoning

Stephen P. Clark Center  
111 NW 1st Street • Suite 1210  
Miami, Florida 33128-1902  
T 305-375-2800

November 8, 2006

miamidade.gov

Emily Development, LLC  
c/o Simon Ferro  
Greenberg Traurig, P.A.  
1221 Brickell Avenue  
Miami, Florida 33131

Re: Hearing No. 06-4-CZ14-4  
Location: The Southeast corner of S.W. 192 Avenue &  
S.W. 316 Street, Miami-Dade County, Florida,

Dear Applicant:

Enclosed herewith is Resolution No. Z-37-06, adopted by the Board of County Commissioners, which **granted your appeal, accepted your Declaration of Restrictions, and approved your request for a district boundary change to RU-1 in lieu of the requested district boundary change to RU-1M(a)** on the above described property. Please note the conditions under which said approval was granted, inasmuch as strict compliance therewith will be required. Failure to comply with stipulated conditions, if any, will result in the immediate issuance of a civil violation notice for each condition violated. Each notice issued may require payment of a daily monetary fine.

If, as stipulated in the resolution, building permits and/or use, occupancy or completion certificates will be required, note that permits must be obtained and final inspection approvals received for construction work done or required prior to issuance of the applicable certificate(s) pursuant to Section 33-8 of the Zoning Code. Payment of certificates may be subject to annual renewal by this Department. Application for required permits and/or certificates related to use, occupancy or completion should be made with this Department, or the Building Department as appropriate. At time of permit application you must provide a copy of this resolution. If there are anticipated changes from any plan submitted for the hearing, a plot use plan is to be submitted to this Department in triplicate before any detailed plans are prepared, inasmuch as building permits will not be issued prior to the approval of said plan.

The Board's decision may be appealed by an aggrieved party to Circuit Court within 30 days of the date of transmittal of the resolution to the Clerk of the County Commission. The transmittal date is **November 8, 2006**. In the event an appeal is filed, any building permit sought shall be at the risk of the party seeking said permit. Copies of any court filings concerning this matter should be served upon both my office and:

Murray A. Greenberg, County Attorney  
111 N.W. 1st Street, Suite 2810  
Miami, Florida 33128-1993

The County Attorney is not permitted to accept official service of process.

Sincerely,

Earl Jones  
Deputy Clerk

Enclosure

ADA Coordination

Agenda Coordination

Animal Services

Art in Public Places

Audit and Management Services

Aviation

Building

Building Code Compliance

Business Development

Capital Improvements

Citizens' Independent Transportation Trust

Commission on Ethics and Public Trust

Communications

Community Action Agency

Community & Economic Development

Community Relations

Consumer Services

Corrections & Rehabilitation

Cultural Affairs

Elections

Emergency Management

Employee Relations

Empowerment Trust

Enterprise Technology Services

Environmental Resources Management

Fair Employment Practices

Finance

Fire Rescue

General Services Administration

Historic Preservation

Homeless Trust

Housing Agency

Housing Finance Authority

Human Services

Independent Review Panel

International Trade Consortium

Juvenile Services

Medical Examiner

Metro-Miami Action Plan

Metropolitan Planning Organization

Park and Recreation

**Planning and Zoning**

Police

Procurement Management

Property Appraisal

Public Library System

Public Works

Safe Neighborhood Parks

Seaport

Solid Waste Management

Strategic Business Management

Team Metro

Transit

Task Force on Urban Economic Revitalization

Vizcaya Museum And Gardens

Water & Sewer